



Order Filed on May 27, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
Authorized Agent for Secured Creditor
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Fairfield, NJ 07004
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Aleisha C. Jennings (049302015)

In Re:

Barry W. Herbert,
Debtor,
JoAnn Herbert,
Joint Debtor.

Case No.: 20-15802-CMG

Chapter: 13

Hearing Date: May 18, 2022

Judge: Christine M. Gravelle

**ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: May 27, 2022

A handwritten signature in black ink, reading "Christine M. Gravelle", is written over a horizontal line.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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THIS MATTER having come before the Court on the Motion for Relief from the Automatic Stay of NewRez LLC d/b/a Shellpoint Mortgage Servicing, (“Secured Creditor”) by and through its counsel, Robertson, Anschutz, Schneid, Crane & Partners, PLLC, as to the real property commonly known as 10 Cartlidge Ave, Trenton, NJ 08610 (the “Subject Property”), and Kevin C. Fayette, representing Barry W. Herbert and JoAnn Herbert (“Debtor”), and for good cause it is **ORDERED** that Secured Creditor’s Motion for Relief from the Automatic Stay is resolved, subject to the following conditions:

1. Secured Creditor shall retain its first mortgage lien on the Property and none of its rights are being modified.
2. The Debtor is in default of post-petition payments owed to Secured Creditor. As of May 10, 2022 the Debtor is overdue for 22 payments from August 1, 2020 through May 1, 2022 at \$1,169.06 per month. The total post-petition arrearages are \$25,719.32.
3. The Debtor has recently been approved for a Streamlined Modification (“Modification”) with Secured Creditor and is currently in the Trial Period Plan. Debtor shall make payments to Secured Creditor subject to the terms and conditions outlined in the Trial Period Plan. In the event the Debtor successfully makes all payments under the Trial Period Plan, and is offered/accepts a final Modification at the end of the three-month Trial Period Plan, Debtor shall file a Motion to Approve Loan Modification within 30 days of acceptance of any final modification agreement offered to Debtor.
4. Secured Creditor will not demand the remaining post-petition arrearages pending completion of the Trial Period Plan. However, if Secured Creditor denies a final Modification or if Debtor declines to accept a final Modification offered, Debtor shall modify the Chapter 13 Plan to either surrender the Property or to cure the full amount of arrears due to Secured Creditor within twenty (20) days of said decision.
5. In consideration of the aforementioned, Secured Creditor’s Motion for Relief can be marked as resolved.
6. The Secured Creditor is awarded fees of \$350.00 and costs of \$176.00. The fees and costs are payable through the Chapter 13 plan.
7. Secured Creditor does not waive it’s right to collect the full contractual post-petition amount due including, but not limited to, the arrears identified above in the event a Final Modification is not approved.

8. The parties agree that this Consent Order in no way alters, amends, or invalidates any applicable bankruptcy remedies afforded to them.

In re:
Barry W. Herbert
JoAnn Herbert
Debtors

Case No. 20-15802-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: May 27, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 29, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Barry W. Herbert, JoAnn Herbert, 10 Carlidge Avenue, Hamilton, NJ 08610-1602

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 29, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 27, 2022 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Kevin C. Fayette	on behalf of Joint Debtor JoAnn Herbert kfayette@kevinfayette.com
Kevin C. Fayette	on behalf of Debtor Barry W. Herbert kfayette@kevinfayette.com
Melissa N. Licker	on behalf of Creditor JPMorgan Chase Bank National Association mlicker@hillwallack.com, HWBKnewyork@ecf.courtdrive.com

District/off: 0312-3

User: admin

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Date Rcvd: May 27, 2022

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Total Noticed: 1

Phillip Andrew Raymond

on behalf of Creditor JPMorgan Chase Bank National Association phillip.raymond@mccalla.com,
mccallaecf@ecf.courtdrive.com

Shauna M Deluca

on behalf of Creditor NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING sdeluca@hasbanilight.com
hllawpc@gmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8